

NORTHEAST PETROLEUM

295 Eastern Avenue
Chelsea, MA 02150
617/286-3400

332
RECEIVED SEP 12 1988



SDMS DocID 559333

Certified Mail, Return Receipt Requested

September 7, 1988

Mr. Paul Marchessault
U.S. Environmental Protection Agency
P.O. Box 3409
Reston, VA 22091

Superfund Records Center

SITE: Coakley

BREAK: 119

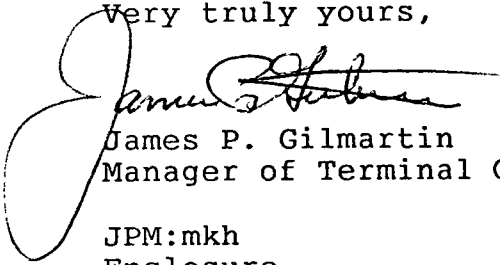
OTHER: 559333

Re: Request for Information Pursuant to Section 104 of CERCLA
and Section 3007 of RCRA for the Coakley Landfill Site in
North Hampton, New Hampshire

Dear Mr. Marchessault:

Enclosed herewith please find our response to the above-
referenced Request.

Very truly yours,


James P. Gilmartin
Manager of Terminal Operations

JPM:mkh
Enclosure
(4242)



STATEMENT OF JAMES P. GILMARTIN,
TERMINAL OPERATIONS MANAGER FOR THE NORTHEAST PETROLEUM
DIVISION OF CARGILL, INCORPORATED
PREPARED AND SUBMITTED IN RESPONSE TO A REQUEST
FOR INFORMATION DATED AUGUST 10, 1988
AND RECEIVED AUGUST 12, 1988
IN CONNECTION WITH THE COAKLEY LANDFILL SITE
IN NORTH HAMPTON, NEW HAMPSHIRE

1. Identify the person(s) answering these Requests on behalf of the Respondent.

James P. Gilmartin, Terminal Operations Manager of the Northeast Petroleum Division of Cargill, Incorporated, 295 Eastern Avenue, Chelsea, Massachusetts.

2. For each and every Request contained herein, identify all persons consulted in the preparation of the answer.

This information is incorporated within the answer to each Request if applicable.

3. For each and every Request contained herein, identify all documents consulted, examined or referred to in the preparation of the answer and provide true and accurate copies of all such documents.

This information is incorporated within the answer to each Request if applicable. In order to respond to this Request for Information, we examined numerous documents which have no relevance to the Requests and cannot be reasonably expected to lead to information relevant to the Requests. We will not supply copies of these documents.

4. If you have a reason to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

Cargill, Incorporated purchased most of the assets of the Northeast Petroleum Corporation on February 5, 1986, including, among other things, the right to use of the words "Northeast Petroleum" and a facility located in Portsmouth, New Hampshire. On information and belief, the Northeast Petroleum Corporation thereafter changed its name to N. P. Corporation. Additional documents and information relating to the period before February 5, 1986 responsive to these requests may have been retained by the N. P. Corporation, successor to the Northeast Petroleum Corporation.

5. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal or other handling of materials at, or transportation of materials to the Site.

See the answers to Requests 14 and 15. This information is incorporated.

6. For each and every Request contained herein, if information responsive to this Information Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.

This information is incorporated within the answer to each Request if applicable.

7. If you have answered any of these requests in a previous Information Request letter, please specify the date of the letter and the request to which you have responded relevant to Coakley Landfill.

No such request has been previously made.

8. Please state the correct legal name of your town, company, agency or business. For towns, provide the name and address of the current primary officer or town manager of your town. For companies, provide the name and address of the current president and chairman of the board of directors of your company. Additionally, please state any other names by which your company has been known

Northeast Petroleum is an operating division of Cargill, Incorporated. The division holds itself out to the public and operates as the Northeast Petroleum Division of Cargill, Incorporated. Carl van Duinkerken, 295 Eastern Avenue, Chelsea, Massachusetts, is the General Manager of the division. The operating division does not have a board of directors.

9. If the company is or was a subsidiary of another corporation, identify such other corporation and state the dates during which the parent/subsidiary relationship existed and the name and address of that corporation president and chairman of the board and other officers.

See the answer to Request 4.

10. Identify the state of incorporation and the agent for service of process for all companies identified in response to Requests 8 and 9 above. For towns, include all notice and/or service of process requirements.

Nancy L. Roehr, in-house counsel for the Northeast Petroleum Division of Cargill, Incorporated was consulted in the preparation of this answer. Regarding Request 8, Cargill, Incorporated is a Delaware corporation, and its agent for service of process in Delaware is the Corporation Trust Company. Regarding Request 9, on February 5, 1986, the date Cargill, Incorporated purchased certain assets of the Northeast Petroleum Corporation, the seller was a Massachusetts corporation. We have no information or knowledge regarding the agent for service of process of the Northeast Petroleum Corporation.

11. Please state the nature of Respondent's business and briefly describe its operation.

The Northeast Petroleum Division of Cargill, Incorporated is a wholesale petroleum product distributor.

12. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents.

Nancy L. Roehr, in-house counsel for the Northeast Petroleum Division of Cargill, Incorporated was consulted in the preparation of this answer. It is not our policy to furnish such insurance information. Further, it is our position that this information is not relevant to any of the points listed in Section 104(e)(2).

13. Identify Respondent's current assets and liabilities and current net worth.

Nancy L. Roehr, in-house counsel for the Northeast Petroleum Division of Cargill, Incorporated was consulted in the preparation of this answer. It is not our policy to furnish such financial information. Cargill, Incorporated operates a number of RCRA permitted TSD facilities and furnishes to the EPA assurance of its fiscal responsibility in the required form. These filings indicate that Cargill, Incorporated has a net worth in excess of \$150,000,000.00.

14. Have you or any person working with you or on your behalf ever accepted materials (hazardous and non-hazardous) for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:

No. To the best of my knowledge and belief, based on the investigation undertaken of any existing documents in the possession, custody and control of the Northeast Petroleum Division of Cargill, Incorporated, and based on conversations with those individuals herein referenced, no person working for or on behalf of the Northeast Petroleum Division of Cargill, Incorporated has ever accepted materials (hazardous and non-hazardous) for transportation to the Site from any person, nor were any such materials accepted before February 5, 1986 by or on behalf of the Northeast Petroleum Corporation.

The following persons were consulted in the preparation of this answer:

- William Rose, Terminal Manager at the Portsmouth facility, Preble Way, Portsmouth New Hampshire, employed in that position since May of 1988 for the Northeast Petroleum Division of Cargill, Incorporated;
- Ray Littlefield, Terminal Manager at the Portsmouth facility from October 1, 1987 to May 31, 1988 for the Northeast Petroleum Division of Cargill, Incorporated;
- Charles Countie, Terminal Manager at the Portsmouth facility from August 1, 1972 to September 30, 1987 (to February 5, 1986 for the Northeast Petroleum Corporation and thereafter for the Northeast Petroleum Division of Cargill, Incorporated);
- Mackie Newell, Superintendent of Terminals since approximately 1969 (to February 5, 1986 for the Northeast Petroleum Corporation and thereafter for the Northeast Petroleum Division of Cargill, Incorporated);
- Douglas Parsons, Manager of Jet-Line Services, Inc., 8 Progress Drive, Dover, New Hampshire 03820;
- Jack Vallely, Manager of Clean Harbors of Maine, Inc., 17 Main Street, South Portland, ME 04106.

No documents exist in our possession, custody and control which suggest that the Northeast Petroleum Division of Cargill, Incorporated or the Northeast Petroleum Corporation accepted hazardous or non-hazardous materials for transport to the Site at any time. Hazardous Waste Manifests are not attached, but are available where filed.

- a. All persons, including yourself, from whom you or such other persons accepted materials for transportation to the Site. N/A
- b. In general terms, the nature and quantity of all non-hazardous materials accepted for transportation to the Site. N/A
- c. The nature of the hazardous materials accepted for transportation to the Site including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process which generated the material. N/A
- d. The persons from whom you accepted hazardous materials. N/A
- e. Every date on which you transported hazardous materials to the Site. N/A
- f. The owners of the hazardous materials that were accepted for transportation. N/A
- g. The quantity (weight and volume) of hazardous materials brought to the Site. N/A
- h. All tests, analyses, analytical results and manifests concerning each hazardous material accepted for transportation to the Site. N/A
- i. The precise location(s) at the Site to which each hazardous material was transported. N/A
- j. The persons who selected the location to which you would take each hazardous material. Where such persons intended to have the hazardous materials involved in each arrangement treated or disposed of and all evidence of their intent. N/A
- k. Who selected the Site as the location to which you would take each hazardous material. N/A
- l. The amount you were paid for accepting the hazardous materials for transportation, the method of payment and the identity of the persons who paid. N/A

- m. The amount you paid to dispose of the hazardous material at the Site, the method of payment and the identity of all persons whom you paid. Please provide copies of all contracts or agreements you have had with the City of Portsmouth, NH. N/A
- n. All sites at which such hazardous materials were transshipped through, or were stored or held at, prior to their final treatment or disposal. N/A
- o. What was done to the hazardous materials after they were transported to the Site. N/A
- p. The final disposition of each of the hazardous materials brought to the Site. N/A
- q. The markings on, type and number of containers in which the hazardous materials were stored when they were accepted and when they were left at the Site. N/A
- r. The permit number(s) assigned to you by the City of Portsmouth. This number identified you as a person able to dispose of materials at the Coakley Landfill Site. In addition, if you have a list of any or all other users of the landfill with or without assigned permit numbers, please provide that information. N/A
15. Have you arranged for disposal or treatment, or transportation for disposal or treatment, of hazardous materials to the Site? If the answer to this question is anything but an unequivocal no, identify:

To the best of my knowledge and belief, based on the investigation undertaken of any existing documents in the possession, custody and control of the Northeast Petroleum Division of Cargill, Incorporated, and based on conversations with those individuals herein referenced, no person working for or on behalf of the Northeast Petroleum Division of Cargill, Incorporated ever arranged for disposal or treatment, or transportation for disposal or treatment, of hazardous materials to the Site, nor were any such activities arranged for before February 5, 1986 by or on behalf of the Northeast Petroleum Corporation.

The individuals consulted in the preparation of this answer are the same as in Request 14.

No documents exist in our possession, custody and control which suggest that the Northeast Petroleum Division of Cargill, Incorporated or the Northeast Petroleum

Corporation arranged for the disposal or treatment, or transportation for disposal or treatment, of hazardous materials to the Site at any time. Hazardous Waste Manifests are not attached but are available where filed.

- a. All persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous materials at or to the Site (or any transshipment site). N/A
- b. The persons with whom you made such arrangements. N/A
- c. Every date on which each of you made such arrangements. N/A
- d. The nature, including the chemical content, characteristic, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement. N/A
- e. In general terms, the nature and quantity of non-hazardous materials involved in each such arrangement. N/A
- f. The owner of the hazardous materials involved in each such arrangement. N/A
- g. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions. N/A
- h. The precise locations at which each hazardous material involved in such transactions actually was disposed or treated. N/A
- i. Who selected the location within the Landfill to which the hazardous materials were to be disposed or treated. N/A
- j. Who selected the Site as the location at which hazardous materials were to be disposed or treated. N/A
- k. The amount paid in connection with each such arrangement, the method of payment and the identity of the persons involved in each arrangement. N/A

- l. Where the persons identified in "k" above intended to have the hazardous materials involved in each arrangement treated or disposed and all evidence of their intent. N/A
- m. All intermediate sites to which the hazardous materials involved in each arrangement were transshipped, or at which they were stored or held, any time prior to final treatment or disposal. N/A
- n. What was done to the hazardous materials once they were brought to the Site. N/A
- o. The final disposition of each of the hazardous materials involved in each arrangement. N/A
- p. The measures taken by you to determine how and where treatment or disposal of the hazardous materials involved each arrangement would actually take place. N/A
- q. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment. N/A
- r. The permit number(s) assigned to you by the City of Portsmouth. This number identified you as a person able to dispose of materials at the Coakley Landfill Site. In addition, if you have a list of any or all other users of the landfill with or without assigned permit numbers, please provide that information. N/A

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